

Chapter 10

The UN Iraq–Kuwait Observer Mission and the Southern No-fly Zone, 1991–2003

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The United Nations Iraq–Kuwait Observer Mission (UNIKOM) and the Southern No-fly Zone (SNFZ) developed an unusual symbiosis. The former was conceived in April 1991 as an interpositional observation force to support a comprehensive effort to resolve the “Iraq–Kuwait” dispute. UNIKOM has not attracted as much academic attention as other UN peace support operations from the same era. This has more to do with the dramatic events in the former Yugoslavia, Somalia, and Rwanda than UNIKOM. William Durch describes it as “traditional peacekeeping in an untraditional situation”.¹ Jan Bury assesses UNIKOM’s entire span as being only somewhat successful in dealing with the “Iraq–Kuwait dispute”.² In August 1992, the United States-led coalition imposed a No-fly Zone (NFZ) over southern Iraq “consistent with”³ an earlier UN Security Council resolution in the name of preventing another crisis involving Iraq.

The mandates and nature of both operations created tensions between the UN’s efforts to conduct a traditional peace support operation and the coalition’s efforts at the containment of Iraq.⁴ While both were intended to deal with the challenges emanating from Saddam Hussein’s Iraq that could destabilize the region further, their *modi operandi* were at odds with one another. UNIKOM’s observers dutifully

1 Durch, W.J. “The Iraq–Kuwait Observation Mission”, in *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis*, ed. William J. Durch (New York: Henry L. Stimson Center, 1993).

2 Bury, J. “The UN Iraq–Kuwait Observation Mission”, *International Peacekeeping* 10(2) (2003), 71–88.

3 The phrase “consistent with” comes from US Public Law. See: United States Congress. *Iraq and the Requirements of Security Council Resolution 687 and 688*, 5 December 1991 (Washington, DC: United States of America Congress). Available at: <http://www.lawandfreedom.com/site/historical/PL102-190.pdf> [accessed 9 February 2012].

4 The coalition was described by the United Nations as the “Member States cooperating with the State of Kuwait” since 1990. Over the years, its composition varied, although it was always American-led. From April 1991 to December 1998, the coalition consisted of the United States, United Kingdom, France, Saudi Arabia, Turkey and Kuwait. Its nominal purpose was to enforce both the southern and northern no-fly zones over Iraq in order to protect minority populations in Iraq. In December 1998, France withdrew from the coalition.

reported all activities along the Iraq–Kuwait border, while the post-1991 Gulf War coalition’s members continued to operate in the area to contain Iraq. Within months, however, it became evident that UNIKOM needed to be more robust and act as a de facto consumer of the security provided by the presence of coalition aircraft over southern Iraq. This exacerbated the inherent contradiction between the two activities and as time progressed, the Iraqi government exploited the contradiction in an effort to dismantle the mechanisms of its containment. This chapter will explore the UN’s application of the logic of the “Iraq–Kuwait dispute” through a number of measures, but UNIKOM in particular; the coalition’s enforcement of the SNFZ from August 1992 to March 2003; and the effects of both on each other’s operations.

The Iraq–Kuwait Dispute

The United Nations treated the post-1991 Gulf War situation as an exercise in dispute resolution between the states of Iraq and Kuwait, as opposed to the international community enforcing the decisions of the UN Security Council. By approaching the situation in this manner, it seems that the Security Council’s members were trying to prevent any recurrence of the August 1990 invasion of Kuwait by Iraq. The means by which the problem would be resolved was Security Council Resolution (SCR) 687 of 3 April 1991, which maintained the regime of sanctions on Iraq until its constellation of terms was satisfied. Its preamble, however, indicated an important assumption made by its drafters:

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of [UNSC] resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991). ...⁵

It assumed, and not entirely incorrectly, that the “Member States cooperating with Kuwait” would withdraw from the region once the situation was resolved.

5 United Nations. *The United Nations and the Iraq–Kuwait Conflict, 1990–1996* (New York: United Nations, 1996), 193 (that is, “Security Council Resolution 687”). Security Council Resolution 678 (29 November 1990) authorized the coalition to implement the plans to eject Iraq from Kuwait under Chapter VII conditions after 15 January 1991 in support of Security Council Resolution 660 (2 August 1990) (Ibid., 178). The latter condemned Iraq’s invasion of Kuwait in early August 1990 and demanded its withdrawal (Ibid., 167). Security Council Resolution 686 (2 March 1991) noted the cessation of offensive operations, demanded the release of all Kuwaiti and third-party nationals detained or treated as prisoners of war, and a meeting for ceasefire talks, and maintained the previous 20 resolutions pertaining to the Iraq–Kuwait dispute (Ibid., 182–3).

It should be borne in mind that this resolution came into existence as images of Iraqi Kurds huddling in sufferance on Turkish mountainsides, a side effect of the Iraqi government's reassertion of control after its defeat, began to spur calls for action. This provided the international community with further evidence that the Iraqi government, as led by Saddam Hussein, would remain a source of strife unless contained. This, in turn, led to Operation Provide Comfort, which from April 1991 provided for the relief and repatriation of the Iraqi Kurds. In order to prevent further depredations and refugee crises, an American-led coalition of states imposed a NFZ over northern Iraq, which in US eyes, was "consistent with" SCR 688.⁶

The previous resolution, SCR 687, contained a comprehensive plan to resolve the Iraq–Kuwait dispute by removing motives for future disputes, that is, the resolution of the border dispute, a peace support operation, the creation of a demilitarized zone (DMZ), reparations, return of property and prisoners. It also sought the removal of means that could be used to threaten other states in the region – that is, nuclear, biological or chemical weapons and ballistic missiles with a range greater than 150 km. The peacekeeping operation, UNIKOM, was part of a tripartite package that cannot be understood in isolation. Section A of SCR 687 stated the Security Council's demand that Iraq and Kuwait adhere to their 1963 border agreement. The United Nations claimed that it sought to demarcate a theoretically existing boundary to convince certain governments that it was not setting a precedent by intruding into what were normally bilateral disputes. The Security Council also decided "to guarantee the inviolability of the above-mentioned international boundary".⁷ This was an unusual precedent, as the United Nations does not normally guarantee the borders of any state. The UN Secretariat arranged for the creation of the United Nations Iraq–Kuwait Boundary Demarcation Commission (UNIKBDC). The commission was composed of one representative from Iraq, one from Kuwait and three independent members appointed by the UN Secretary-General.⁸ The Iraqi government argued that the 1963 agreement between Iraq and Kuwait had no legal basis and that its representative would be outnumbered.⁹ Section B stated that the Secretary-General would generate:

a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarized zone, which is hereby established,

6 Ibid., "Remarks on Assistance for Iraqi Refugees and a News Conference", 199. In resolution 688, the Security Council demanded that Iraq end the repression of the Iraqi people, including those in Iraqi Kurdistan. It insisted that Iraq allow international humanitarian organizations access to the affected areas.

7 Ibid., "Security Council Resolution 687", 195.

8 Ibid., "Report of the Secretary-General on establishing an Iraq–Kuwait Boundary Demarcation Commission, 2 May 1991 (S/22558)", 235–46.

9 Ibid., "Enclosure: Letter dated 23 April 1991 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General (S/22558)", 237–8.

extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the “Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters” of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Security Council on the operations of the unit, and immediately if there are serious violations of the zone or potential threats to peace (SCR 687).

In short, the DMZ, supported by UNIKOM, would allow UNIKBDC to carry out its task of demarcating the border. After that was achieved, the DMZ, monitored by UNIKOM, would act as a cordon sanitaire between Iraq and Kuwait.

In a theoretical sense, UNIKOM represented an unusual variant of a traditional peacekeeping mission. It was both an observation and an interposition force, although the initial emphasis was on the former. It was intended to support the ceasefire through a mechanism to build confidence through transparency and by raising the potential cost of attack.¹⁰ It was a solution to prevent a repetition of Iraq’s invasion of Kuwait in August 1990; its wording, however, did not specify that its mandate be limited to only the two parties. This meant that UNIKOM would be bound to report impartially on any violations of the zone or preparations for actions mounted from the territory of either Iraq or Kuwait, leaving the decision for further action to the Security Council.

The Observer Mission Before the Southern No-fly Zone

UNIKOM’s initial mandate was laid out in a report by the Secretary-General to the Security Council on 5 April 1991. Of note in this report were the “considerations relevant to the discharge of the mandate”, the “concept of operation” and the “requirements”. The key element in the “considerations” were the limits placed on UNIKOM’s span of observation; they would observe those activities visible from the DMZ and the Khor Abdullah, the waterway separating Iraq and Kuwait, and would not take action to prevent entry of unauthorized forces.¹¹ This meant that UNIKOM’s force of 300 observers would observe and report as opposed to enforce the DMZ. The concept of operations defined the tasks of UNIKOM in a largely land-borne sense, that is: withdrawal of any armed forces from the

10 For a discussion of the mechanisms at work, see: Page Fortna, V. “Interstate Peacekeeping: Causal Mechanisms and Empirical Effects”, *World Politics* 56(4) (2004), 485–90.

11 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, “Report of the Secretary-General on the Implementation of Paragraph 5 of Security Council Resolution 687 (1991), 5 April 1991 (S/22454)”, 2.



Figure 10.1 Aircraft provided by Switzerland to the UN Iraq–Kuwait Observer Mission for air patrol, 1 May 1991

Source: UN Photo 72346.

zone; observation posts on the roads to monitor traffic; patrols by land or air; and investigations.¹² A few patrol aircraft were used by UNIKOM to obtain an aerial view, as seen in Figure 10.1.

There is very little to suggest that the drafters of the report considered the possibility of air traffic moving through the zone from Iraq, Kuwait, or the “Member States cooperating with Kuwait”, that is, the coalition. Last, the “requirements” acknowledged that it was necessary to provide additional forces for security and disposal of explosive hazards. To this end, the report recommended that five rifle companies and a field engineer unit be loaned from other missions in the region to augment UNIKOM temporarily. The security element was justified by the transitional situation based on the presence of displaced persons, the withdrawal of the forces of “Member states cooperating with Kuwait” and the need for the Iraqi and Kuwaiti police to maintain law and order on their respective sides of the border.¹³ UNIKOM headquarters would be located at the Iraqi town of Umm Qasr, within the zone, and it would maintain liaison offices in Baghdad and Kuwait

¹² Ibid., 3.

¹³ Ibid., 4.

City.¹⁴ The Security Council transformed the report's mandate into a formal one through its approval in SCR 689 (9 April 1991).¹⁵

UNIKOM had two initial tasks. First, it assumed control of the DMZ from the US 3rd Armored Division, which had established the patrol route in the zone, in early May 1991.¹⁶ Second, and more importantly, as Iraq and Kuwait remained responsible for law and order on their respective sides of the DMZ, both states maintained a police presence in the zone. Between June and September 1991, Iraq moved a series of 14 police posts into the DMZ, including five into Kuwaiti territory. UNIKOM asked the Iraqi authorities to move them, only to be told that they:

had been in place before 2 August 1990 and pulling them back would prejudice Iraq's position regarding the demarcation of the border. Once the demarcation had taken place, Iraq would comply with the 'reasonable distance' principle¹⁷

This was an example of Iraq's behaviour with regard to UNIKBDC and, by extension, to UNIKOM. The Iraqi government did not wish to do anything that weakened its claims of sovereignty.

By the summer of 1991, UNIKOM began to report its findings from its observations of the zone dutifully. The initial pattern also set interesting precedents. There were more Kuwaiti than Iraqi violations, although many of the land-borne violations were attributed to navigational errors or incidents pertaining to police within the DMZ. In addition, UNIKOM addressed with the Kuwaiti government a number of overflights by either American or Kuwaiti F-15 or F-16 aircraft.¹⁸ These were perceived as relatively minor incidents and part of the process for both parties of learning to operate with the DMZ and its enforcement; this permitted the reduction of the number of UN rifle companies providing security from five to two.¹⁹ The statistics surrounding the period from May to September 1991 show that the Kuwaitis and their allies were far more frequent violators and less respectful of the DMZ than the Iraqis.²⁰ The navigational challenge should not be

14 Ibid., 5.

15 Ibid., "Security Council Resolution 689 (1991), 9 April 1991 (S/RES/689)", 206–7.

16 Kindsvatter, P.S. "VII Corps in the Gulf War: Post-Ceasefire Operations", *Military Review* 72(6) (1992), 2–19.

17 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, "Report of the Secretary-General on UNIKOM, 3 September 1991 (S/23000)", 297.

18 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, "Report of the Secretary-General on UNIKOM, 12 June 1991 (S/22692)", 266.

19 United Nations Security Council, Letter dated 6 August 1991 from the Secretary-General to the President of the Security Council (S/22916). 9 August 1991. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N91/257/85/IMG/N9125785.pdf?OpenElement> [accessed 15 August 2012].

20 For the period 1 April–30 September 1992, Iraq had a total of five violations (none from the air), while Kuwait had 39 (one from the air) and the allies had 11 (all but one

underestimated and it was noted that as UNIKBDC made progress, the number of violations decreased.²¹

The Iraqi government continued to complain about UNIKBDC and by mid-1992 stopped participating altogether, claiming:

that the Commission's work was political – that the Governments of the United States and United Kingdom in particular were seeking to deprive Iraq of its rights and justify the ongoing presence in the region and military bases.²²

Despite Iraq's lack of co-operation, UNIKBDC demarcated the land boundary by the summer of 1992. This clarified the border and reduced the possibility of further navigational errors on both land and water.

The Southern No-fly Zone

The Iraqi government dealt ruthlessly with all armed resistance in southern Iraq after the spring of 1991. Unlike in northern Iraq, little was done inside Iraq to address this issue. The international community eventually became concerned about the human and environmental costs of Iraq's counter-insurgency. The coalition simultaneously came to believe that it needed additional forces in the region to monitor and react to the situation.

The United Nations became increasingly concerned that the Iraqi government's actions were excessively violent and showed little regard for human rights. In early 1992, the UN's Special Rapporteur of the Commission for Human Rights, Max van der Stoep, reported:

Recent and continuing measures instituted by the Iraqi military forces against the population of the marshes (including Marsh Arabs, internally displaced persons and refugees, and army deserters), are said to include the tightening of control over food destined for the area, the confiscation of boats, and the evacuation of all areas within three kilometres of the marshlands. Further reports indicate that military attacks have been launched against the Marsh Arabs between 4 December 1991 and 18 January 1992, resulting in hundreds of deaths.²³

from the air). In addition there were 20 unidentified violations. United Nations Security Council, *Report of the [SG] on [UNIKOM] (for the period 1 April–30 September 1992)*, 2 October 1992 (S/24615).

21 UN Security Council, Letter dated 6 August 1991.

22 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, 50.

23 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, “Report on the situation of human rights in Iraq prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq E/CN.4/1992/31”, 408.

In March 1992, the Security Council cautioned Iraq about such activities.²⁴ Southeastern Iraq is the site of numerous and sizeable marshes due to the confluence of the Tigris and Euphrates rivers. Despite such warnings, the Iraqi government continued its operations in the marshes through that spring and summer. From 30 June 1992, the Iraqi government blocked relief operations in southern Iraq. These operations coincided with a government-sponsored drainage of the marshes.

In spring 1992, the Iraqi government forces sought to deny Shi'a rebels a refuge and started to drain parts of the marshes as part of the "Third River Project". While the government maintained that it was creating a navigable canal, this caused fresh water to be deliberately drained, which had potentially serious environmental implications.²⁵ Iraqi government spokesmen, blaming the situation on Turkish and Syrian damming, claimed that it was necessary for them to drain the saltwater marshes for irrigation in support of agriculture in southern Iraq due to the reduced flow of the Euphrates River.²⁶ Neither of these arguments seemed credible given the visible connection between the project and Iraqi military operations. Van der Stoel stated that the situation in southern Iraq was replete with human rights violations and called Iraq's actions a threat to the UN's relief operations in the area. Even the Iraqi representative acknowledged the existence of a deliberate blockade on the marshes.²⁷ He later argued that such operations were necessary to get rid of saboteurs and criminals who were using the marshes as a haven.²⁸ Marsh drainage exposed Shi'a rebels to attack and prompted a renewed stream of refugees into Iran.²⁹ The international community came to believe this was a ruse for counter-insurgency operations in southern Iraq. Yet the counter-insurgency in southern Iraq was less of a concern than other issues.

24 United Nations, *The United Nations and the Iraq-Kuwait Conflict, 1990-1996*, "Statement by the President of the Security Council concerning general and specific obligations of Iraq under various Security Council resolutions relating to the situation between Iraq and Kuwait, 11 March 1992 (S/23699)", as well as "Statement by the President of the Security Council concerning Iraq's compliance with the relevant Council resolutions, 12 March 1992 (S/23709)", 421-5.

25 This could have led to the creation of salt marshes and the destruction of arable land. See: Murphy, C. and Boustany, N. "Iraqis Seek to Drain A Haven For Foes", *International Herald Tribune*, 3 July 1992.

26 Beschorner, N. "Water and Instability in the Middle East", *Adelphi Paper* 273(1992), 27-44.

27 United Nations Security Council, Letter Dated 3 August 1992 from the Chargé d'Affaires A.I. of the Permanent Mission of Belgium to the United Nations Addressed to the President of the Security Council, S/24386. 5 August 1992, 3-7.

28 United Nations Security Council, Provisional Verbatim Record of the [3105] Meeting, S/PV.3105. 11 August 1992, 23-9, 31-3.

29 Bruce, J. "Campaign Against Shi'ites Hardens", *Jane's Defence Weekly*, 6 June 1992; Stapleton, B. "Arabs Flee Iraq's Deadly Marshes", *The Sunday Independent*, 19 July 1992.

A series of crises in 1992 led the coalition to conclude that Iraq responded more favourably to demands when confronted with the possibility of the imminent use of force. The Security Council met with representatives of the Iraqi government in mid-March 1992 to make its concerns about weapons of mass destruction (WMD) clear to Iraq in addition to the tense situation in the marshes. Later that month, the coalition reinforced the point by issuing an ultimatum; if Iraq failed to provide the relevant information and assist in the destruction of certain WMD-related facilities the coalition would strike a week later.³⁰ The arrival of the USS *America* carrier group in the Gulf reinforced this warning.³¹ The Iraqi government quickly provided the information and assistance.³² It had taken almost two months for the coalition to reach this stage, at which they were politically and militarily prepared to use force. Though effective, this was considered too long to deal effectively with challenges from Iraq.

Another crisis involving the UN Special Commission on the Disarmament of Iraq (UNSCOM) occurred in early July 1992. An American-led team was denied access to the Iraqi Ministry of Agriculture in order to search for WMD-related documentation.³³ Shortly after, the coalition reached an “agreement-in-principle” about air strikes, but its members still disagreed over the issue of a fixed timetable for an ultimatum.³⁴ This reduced the credibility of the coalition’s threat. The US government then exerted diplomatic efforts to obtain local support in preparation for the use of force. American Secretary of State James Baker visited Saudi Arabia to ensure King Fahd’s support. The crews of US warships in the Mediterranean had their port leaves cancelled, and the amphibious group based on the USS *Tarawa* steamed into the Gulf.³⁵ This came with the implied threat of additional ground forces to bolster Kuwait, but, more importantly, it came with the possibility that the coalition could use missiles or naval-based air power to coerce the Iraqi government. The threat of force by the coalition and the UN’s offer of a compromise, in which the inspection team would be made up of nationals of “neutral” European states, led to Iraqi acquiescence in late July.³⁶ Nonetheless, the American naval presence continued to grow with the arrival of the USS *John F. Kennedy* carrier group to add to those already on station in the

30 Lewis, P. “UN Gives Baghdad March 26 Deadline”, *International Herald Tribune*, 19 March 1992.

31 “U.S. Sends Aircraft Carrier to Gulf in ‘Signal’”, *International Herald Tribune*, 14 March 1992.

32 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, “Third Report of the Executive Chairman of UNSCOM, 16 June 1992 (S/24108)”, 442–3.

33 “Coups and Cussedness: Saddam Hussein Holds Out in Iraq”, *The Economist*, 11 July 1992; Kagan, J. “New Confrontation”, *Middle East International*, 10 July 1992.

34 Almond, P. “Allies List Their Targets”, *The Daily Telegraph*, 23 July 1992; Walker, M. “Allies Ready for New Air War in Gulf”, *The Guardian*, 24 July 1992.

35 Dettmer, J. and Bone, J. “Bush Calls Council of War over Iraqi Strike”, *The Times*, 25 July 1992.

36 *Arms Control Reporter* 1992, 453.B.132.19–20.

eastern Mediterranean (the USS *Saratoga* and the USS *Independence*). A number of Patriot missile batteries also deployed to Kuwait.³⁷ Once the new inspection team began its activities without interference on 29 July, the *John F. Kennedy* received orders to leave the Gulf.³⁸ The presence of military forces was seen as the reason for the effectiveness of the threat, but the United States could not maintain such a protracted naval effort forever.

Another crisis developed in early August. The Iraqi government announced that all of its ministries were out of bounds for UNSCOM's inspection teams, but once again backed down.³⁹ Iraq's lack of co-operation was a major source of frustration for the chairman of UNSCOM, Rolf Ekeus, but it was not the only one. He publicly expressed his dissatisfaction with the Security Council and its lack of speed or effectiveness in dealing with the crises in late July.⁴⁰ This suggested that the US government needed to deal with Iraqi provocations in a timely manner.

Throughout the summer of 1992, Iraq was a significant irritant to the coalition. The Bush Administration's statements reflected a great deal of annoyance and frustration about Iraq's adversarial relationship with UNSCOM.⁴¹ This called into question George H.W. Bush's ability to deal with foreign policy (his major strength as president). American voters perceived Iraq's lack of co-operation as a policy failure on the part of the president. This perception also existed in government circles.⁴² Reaching for a solution, the US government considered the pursuit of another Security Council's resolution to stabilize the situation in Iraq.⁴³ The stability of Iraq was one of the major motives for the United States to remain involved in the region.⁴⁴ By attacking the Shi'a and others, the Iraqi government created difficult situations. Iraq's neighbours had to deal with refugee crises and it was not difficult to discern the effects on Iraq had a neighbour acted to address

37 "US bolsters Gulf Power to Warn Iraq: Exercises in Kuwait Planned", *The Financial Times*, 28 July 1992; "U.S. Sends Missiles to Kuwait To Bolster Military Strength", *The Wall Street Journal*, 28 July 1992.

38 Lewis, P. "UN Arms Inspectors Enter Disputed Site in Baghdad", *International Herald Tribune*, 29 July 1992.

39 United Nations, *The United Nations and the Iraq-Kuwait Conflict, 1990-1996*, "Fourth Report of the Executive Chairman of UNSCOM, S/24984 (17 December 1992)", 495.

40 *Arms Control Reporter* 1992, 453.B.132.20; Littlejohns, M. "UN Council Under Fire Over Iraq", *The Financial Times*, 5 August 1992.

41 Dettmer, J. "Bush Wants New UN Sanction for Military Action Over Shias", *The Times*, 30 July 1992; Graham, G. "US on Collision Course with Iraq: Congressional Leaders Give Bush Their Backing", *The Financial Times*, 29 July 1992; Walker, M. "Bush Presses UN to 'Force Iraq Issue'", *The Guardian*, 29 July 1992.

42 For an example, see Hilsman, R. *George Bush vs Saddam Hussein* (Novato: Lyford Books, 1992).

43 Murphy, C. "U.S. and Allies Act to Press Baghdad on Shiites", *International Herald Tribune*, 12 August 1992.

44 "DoD Authorization for Appropriations for FY 1994 and the Future Years Defense Program (Part 1)". Congressional Information Service Document S201-1 (1994), 317-18.

the problem at its source, that is, by intervening in Iraq as opposed to merely repatriating displaced persons. Realpolitik, presented as benign humanitarianism, did not seem to affect the international consensus on Iraq. Such concern allowed for the presence of forces sorely needed to convince the Iraqi government to co-operate.

The coalition's other members shared the American and international concern about the Iraqi government's actions with regard to the Shi'a in southern Iraq and UNSCOM. The French government, having been enthusiastic about SCR 688, wanted to do something similar for the Shi'a and Marsh Arabs to what had been done for the Kurds. Having been a major proponent and advocate of SCR 688, it is hardly surprising that the French government issued statements reflecting its desire to extend the reach of that resolution.⁴⁵ Subsequent statements revealed that it was also considering the conduct of an operation similar to Operation Provide Comfort II, launched in July 1991, which was the coalition's establishment and maintenance of a NFZ over northern Iraq to provide security for the Kurdish residents of that region.⁴⁶ The French government was, however, concerned about the legitimacy of any operation:

They had, from the start, made it very clear what they could and could not do. The French were very even-handed in their approach and made it clear that they were there to enforce UNSC [Security Council] decisions. They were not there to punish or coerce the Iraqi government.⁴⁷

This was a literal application of the *droit d'ingérence*, the belief in the right to interfere if a humanitarian issue is at stake, to the situation in southern Iraq.⁴⁸

The British government was more cautious in its approach to the situation. Its statements emphasized the need to monitor Iraq and keep Iraq's government from acting inappropriately. For example, Prime Minister Major publicly stated that:

What we have said to the Iraqi authorities is that we are now perfectly clear that they have engaged in systematic repression in the south of Iraq but that is not acceptable and that it has got to stop. What we propose to do, therefore, is to monitor the whole area from the air and whilst we are doing that to ensure the

45 Roland Dumas, "Interview de M. Roland Dumas, Ministre d'Etat, Ministère des Affaires Etrangères Par l'Hebdomadaire Tunisien 'Réalités'", *French Foreign Ministry Press Release*, 13 August 1992.

46 Roland Dumas, "Propos à la Presse de M. Roland Dumas, Ministre d'Etat, Ministère des Affaires Etrangères, à la suite de son audition devant la commission des Affaires Étrangères de l'Assemblée Nationale", *French Foreign Ministry Press Release*, 18 August 1992.

47 Anonymous Interview with author, 7 August 1998, 3.

48 One might argue that it is a forerunner to the Responsibility to Protect (R2P) doctrine.

security both of the Shias [sic] and of their aircraft we will instruct the Iraqis not to fly in that area.⁴⁹

Douglas Hurd, Foreign Secretary, provided a further example by stating:

We believe in the integrity of Iraq. Iraq is one country but within that country its rulers have obligations towards their subjects, which is laid down in Security Council resolution 688.⁵⁰

It is important to note that the coalition focused on Iraq's treatment of its citizens and not Iraq's sovereignty. The latter was a contentious issue in international forums and offered the Iraqi government a credible argument against the coalition's treatment of Iraq.

The Gulf States and other interested governments expressed concerns about any military operation in southern Iraq. Kuwait was the only state to offer unequivocal support for military operations.⁵¹ Yet the Kuwaiti and the Saudi governments both feared the possibility of rendering the area vulnerable to Iranian fundamentalism.⁵² Nonetheless, the Saudi government agreed to provide support in terms of basing and financing.⁵³ A number of other Arab states were opposed to a renewed Western military presence.⁵⁴ This affected the British contribution, as its government maintained close relations with the Gulf States, and they sought to delay the operation, fearing a negative reaction as a result of basing forces in the Gulf.⁵⁵

The political constraints on a coalition force presence shaped the nature of the force. None of the Gulf States wished to see a large presence of "Western" forces in their territories due to internal security concerns. Combined with the concerns about a potential occupation of Iraqi territory and Iraq's desire to maintain its sovereignty, this factor drove the coalition to choose air power. Given that the maintenance of an aircraft carrier stationed in the Gulf on a permanent basis

49 "Transcript of interview given by the UK Prime Minister, Mr John Major, in London, on Tuesday, 18 August 1992", in Weller, M. (ed.), *Iraq and Kuwait: The Hostilities and Their Aftermath* (Cambridge: Cambridge University Press, 1993), 723.

50 "Douglas Hurd, Secretary of State, UK, interview with 'Today' programme, 19 August 1992", in Weller, *Iraq and Kuwait*, 723.

51 "Arab Reluctance Delays 'No Fly' Zone", *International Herald Tribune*, 25 August 1992.

52 Evans, K. "Gulf Leaders Back Allies But Fear Break-up of Iraq", *The Guardian*, 21 August 1992.

53 Anonymous interview with author, 5.

54 Binyon, M. "Arabs Hesitate Over Western Move to Close Iraq Air Space", *The Times*, 19 August 1992.

55 Philps, A. "Arab Fears Delay RAF Support for Iraq No-Fly Zone", *The Financial Times*, 25 August 1992.

required more carriers than were available in the American arsenal, any option had to be land-based.

The coalition began to put a plan in motion while the Iraqi government sought to prevent any action. President Bush implied that action was needed due to the Iraqi foreign minister's refusal to allow human rights monitors in Iraq.⁵⁶ On 20 August 1992, the Iraqi government announced that it would allow the coalition to inspect the marshes region.⁵⁷ This was a partial concession, as the Iraqi government had refused to permit the re-entry of UN personnel from Bahrain.⁵⁸ This was the same gambit they employed in vain against Operation Provide Comfort in Kurdish regions in northern Iraq.

The coalition, Joint Task Force – Southwest Asia (JTF-SWA), composed of the United States, the United Kingdom and France and hosted by Saudi Arabia, launched Operation Southern Watch on 26 August 1992. The purpose of the operation was stated clearly: “the coalition has concluded that it must itself monitor Iraqi compliance with UNSCR 688 in the south”.⁵⁹ President Bush claimed that its purpose was to support SCR 688 by creating the SNFZ, thus denying the Iraqis the use of the airspace below the 32nd parallel:

[T]he United States and its coalition partners have today informed the Iraqi government that 24 hours from now coalition aircraft, including those of the United States, will begin flying surveillance missions in southern Iraq, south of the 32 degrees north latitude, to monitor the situation there. This will provide coverage of the areas where a majority of the most significant recent violations of [UNSC] Resolution 688 have taken place ... It will remain in effect until the coalition determines that it is no longer required.⁶⁰

The JTF-SWA flew a mix of planes to carry out this mission. There were aircraft designed for air superiority (F-14, F-15C, F-16, F-18, Mirage F-1, Mirage 2000), air reconnaissance (Tornado GR-1) and electronic warfare (F-4G, E-3, EC-135, EF111A), bombers (F-117A, F-15E) and ground attack aircraft (A-10).⁶¹ The

56 George Bush, “Letter to Congressional Leaders Reporting on Iraq’s Compliance With United Nations Security Council Resolutions”, 16 September 1992, *The American Presidency Project*, University of California Santa Barbara. Available at: <http://www.presidency.ucsb.edu/ws/?pid=21462> [accessed 16 August 2012], 1.

57 “UN Envoy to Leave Baghdad as Relief Talks Break Down”, *International Herald Tribune*, 22–3 August 1992.

58 Doyle, L. “Iraq Rejects UN Olive Branch”, *The Independent*, 22 August 1992.

59 “Statement Issued by the Members of the Coalition at New York, 26 August 1992, 10 a.m. (New York Time)”, in Weller, *Iraq and Kuwait*, 725.

60 George Bush, “Remarks on Hurricane Andrew and the Situation in Iraq and an Exchange With Reporters”, 26 August 1992, *The American Presidency Project*, University of California Santa Barbara.

61 *JTF-SWA Briefing Package*, 35. It should be noted that the ground attack aircraft became more prevalent as a result of Operation VIGILANT WARRIOR.

coalition could monitor operations by being capable of detecting Iraqi operations while maintaining air supremacy.

From its inception in the summer of 1996, there were two main activities for the JTF-SWA: it sought to demonstrate its presence and to monitor events in southern Iraq. Its patrols were organized to fulfil these roles. The “standard Operation Southern Watch profiles” consisted of four fighters that would fly from Dhahran Airbase on the east coast of Saudi Arabia and head for the Iraqi–Saudi border. South of the border, they would undergo aerial refuelling before entering the SNFZ. They would fly around the zone for 30 to 45 minutes before returning to Dhahran. Occasionally, patrols were directed to fly over specific areas to observe events, but the main purpose of the patrols was to create radar signatures to demonstrate their presence.⁶² Such actions established that the coalition was present and watching what occurred in Iraq. It was inevitable that the Iraqi government, due to the nature of Integrated Air Defence Systems, would detect the presence of coalition aircraft.

A NFZ creates particular requirements for air planners. Reconnaissance and air superiority aircraft are required for the monitoring of the airspace and territory under the zone. The key to a successful NFZ is the maintenance of a perpetual presence within the zone. This translates into a series of infrastructure requirements. First of all, airfields with facilities that allow for the maintenance of modern jet aircraft are required. Second, to enforce a NFZ, the force requires a “Command, Control, Communications and Intelligence” system that can provide planning direction for its units, control them while they are in the NFZ and ensure that the airspace between the NFZ and the airfields is free of conflict. Tanker aircraft are also required, as the airfields are frequently far from the NFZ – as was the case with the SNFZ. In addition, a perpetual presence requires aircraft to be in the NFZ for protracted periods. The decision to maintain tanker tracks over northern Saudi Arabia leads one to conclude that the coalition wanted to make the best use of every sortie by increasing loiter times. Given the maintenance requirements for aircraft, it is counterproductive to send aircraft for short periods of time, as they require the same number of maintenance hours regardless of whether the sorties last one or six hours.

The coalition was very concerned about force protection and the potential for casualties associated with operations over Iraq. The decision to select the 32nd parallel as the border of the SNFZ was not arbitrary. One commander recalled that:

It was a political decision based on my recommendation and view of the No-Fly Zone. While it was a political decision, we did not want to see aircraft shot down or airmen paraded through Baghdad. The 32nd parallel was arbitrarily chosen because it meant our aircraft could tank over northern Saudi Arabia in safety, enforce up to the 32nd, and fly further if required. To push the No-Fly Zone further north meant that the refuelling would have to take place over southern

62 White, P. “Crises after the Storm”, Washington Institute for Near East Policy Military Research Paper no. 2, 16.

Iraq, and this was dangerous. The tankers would be vulnerable to Iraqi fighters and [Surface to Air Missiles], and so would the aircraft being refuelled. It had the potential for huge numbers of casualties. Further north would have of course meant that more airfields and other installations were subject to the zone, but it would be very dangerous. “Flying in the Box”, as it has become to be known, meant that the decisions and planning took into account the need to ensure that no aircraft were lost.⁶³

These comments illustrated a particular problem for the JTF-SWA: it needed to be staged from a location that allowed it to maintain sufficient coverage of the NFZ without unnecessary effort, where the JTF-SWA could react quickly in the event of an Iraqi provocation, but outside the range of Iraqi forces. An attack by Iraqi ground or air forces was considered highly improbable, but the possibility of previously a well-hidden Scud missile (or even a rocket with a range of less than 150 km) was a less a remote possibility.

So what could the coalition see from the skies over southern Iraq? As coalition aircraft flew over southern Iraq, they could also gather information in the course of monitoring. The coalition could engage in the process of target acquisition, and the coalition’s reconnaissance aircraft were very helpful in this regard. Coalition forces received very realistic training as a result of such provocations and the ability to reconnoitre potential targets. One United States Air Force (USAF) officer noted that:

Flying over southern Iraq affords us the opportunity to scout out the targets we will be tasked to hit in wartime, practice attacking them, and evaluate and refine our tactics and thereby our chances for success.⁶⁴

Such information was necessary to make assessments of the nature of particular target sites by gauging the relative weight and type of air defence coverage, the best routes and altitudes for attack, and the suitability of targets (in terms of the possibility of collateral damage or the target’s proximity to other installations such as hospitals or other facilities). The coalition could also analyse the target sets and their relationships to one another, leading to a near real-time intelligence picture of Iraq as a system of target sets. The SNFZ did not contain a significant amount of individual targets. It contained the majority of the Southern Air Defence Sector and some key transportation links, but only a small number of WMD-related sites clustered around Baghdad. Given that UNSCOM was also present and exchanged information with the coalition, whether this was intentional or not, the coalition’s knowledge of Iraq increased significantly.

At first glance, the establishment of the SNFZ was effective in reducing the air threat from southern Iraq. Evidently remembering the air campaign in the

63 Anonymous interview with author, 7 August 1998, 2.

64 Gration, S. “Combat Smart, Inherently Safe”, *Combat Edge* 4 (May 1996), 10.

Gulf War, the Iraqi Air Force promptly moved its aircraft out of the SNFZ on 26 August 1992.⁶⁵ The original commander of JTF-SWA, USAF Lieutenant General Michael Nelson, noted in early September of 1992: “We’ve been at this almost two weeks and he [Iraqi President Saddam Hussein] has clearly decided not to challenge the ‘no-fly’ zone”.⁶⁶ President Bush publicly concluded that the mission had succeeded by mid-September 1992 in protecting the people of southern Iraq from attacks by the Iraqi Air Force.⁶⁷ In November 1992 there were indications of some “small-scale” activities by the Iraqi Army in the area.⁶⁸ The coalition had to remain to monitor the situation.

In legal terms Operation Southern Watch was based on the precedent set by the Northern NFZ. The logic of SCR 688 – there was a perceived need to protect the persecuted elements of Iraqi society but no action was authorized specifically by the United Nations – was applied to southern Iraq. It would seem reasonable that a state’s action be considered to be justified as long as the following conditions are satisfied. There should be:

- A suitable reason to act forcefully to modify a state’s behavior.
- An agreement within the international community on the ends being pursued.
- An agreement within the international community that the ends being pursued warrant the use or threat of force.
- A credibility of the belief that the ends being pursued are representative of international desires as opposed to national objectives.

The coalition’s governments claimed that SCR 688 provided sufficient justification for the operation.⁶⁹ Given the Iraqi government’s actions, they were not wrong. So how did this apply to the aforementioned conditions? The first condition appeared to be instantly satisfied by the general frustration with the Iraqi government’s human rights record. The other conditions proved to be more contentious.

The desired ends of Operation Southern Watch were unclear and this lack of clarity had particular implications. Like Operation Provide Comfort II, it represented what could be done given a series of political limitations. It represented the proverbial “lowest common denominator” by allowing the coalition to provide for the security of the Shi’a without intruding too deeply into Iraqi affairs. In this

65 Dettmer, J. and Walker, C. “Iraq Moves Combat Aircraft Away From Shia Marshlands”, *The Times*, 26 August 1992.

66 Bird, J. “Southern Watch”, *AFT*, 28 September 1992.

67 “Bush Says Iraq Halts Raids on Shiites”, *The International Herald Tribune*, 18 September 1992. Note, the Iraqi government, on a number of occasions, employed helicopters in support of its counter-insurgency operations in southern Iraq.

68 “Written Answers”, 18 November 1992, *Hansard [of the United Kingdom]*, 6th Series, Vol. 214, Column 250 written.

69 Doyle, L. “UN was Bypassed over ‘No Fly Zone’”, *The Independent*, 19 August 1992.

case, the desired end state was the absence of counter-insurgency operations, or operations so weak that a refugee problem would not be created. Yet it offered the coalition a potential tool for supporting the containment of Iraq and this contributed to the international doubt about American motives in the second half of the decade.

What represented the will of the international community? On the one hand, Security Council resolutions assign a legal quality to what are essentially political decisions and are useful in this regard. The existence of a philosophy of intervention (that is, the *droit d'ingérence*, now called the “responsibility to protect”) within international discourse could also be considered representative without requiring recourse to a political or legal authority. This was a curious situation. Both the British and French governments favoured the argument of the responsibility to protect, consistent with a philosophical outlook, but the American government consistently argued that SCR 688, a political decision with legal qualities, provided sufficient justification.⁷⁰ This argument assumed that some form of approval (even if not direct or considered as binding) was required from the international community to avoid difficulties, as the responsibility to protect was not considered to be universal or even a right by most states. To argue that SCR 688 was insufficient would have weakened the American position with regard to Operation Provide Comfort II. Eventually, the British government changed its position to match the American.⁷¹ This argument reinforced the idea that international law is fundamentally driven by consensus as opposed to controlled by rules set by a central authority, despite the cynical use of such rules by various governments. Such arguments were therefore only as valid as the international community decided and few governments shared this interpretation of the situation. The coalition’s concerns for the Shi’a, much like its concerns for the Kurds, were sufficient to create a consensus within the international community that Iraqi sovereignty could be violated if it kept the situation in southern Iraq relatively calm and saved some lives. Ironically, it breathed some life into the *droit d'ingérence*, the concept of the responsibility to protect.

The rules of engagement (ROE) further complicated the legal situation that surrounded Operation Southern Watch. A coalition spokesperson described the ROE by stating:

No threat to coalition operations over southern Iraq will be tolerated. The Iraqi Government should know that coalition aircraft will use appropriate force in

70 Bone, J. “Security Council Members Query the Legal Basis of ‘No-Fly’ Zone”, *The Times*, 28 December 1992.

71 Doyle, L. and Richards, C. “‘No-Fly Zone’ Imposed on Iraq’, *The Independent*, 27 August 1992. Under the *droit d'ingérence*: “Limited armed action on behalf of a population in danger of being exterminated is legally justified, even in the absence of positive authorisation from the Security Council”. See Weller, M. “Intervention Plans Lack Specific UN Sanction”, *The Times*, 20 August 1992.

response to any indication of hostile intent as defined in previous diplomatic demarches. Inter alia, illumination and/or tracking of aircraft with fire control radars and any other actions deemed threatening to coalition aircraft, such as the intrusion of Iraqi aircraft in the NFZ, would be an indication of hostile intent.⁷²

This stems from the state's right to self-defence enshrined in Article 51 of the UN Charter. As the forces conducting Operation Southern Watch were monitoring compliance with SCR 688, they needed some justification for the use of force in SNFZ enforcement. However, in the absence of de jure authorization for their presence over Iraq, this position was dubious. The Operation Southern Watch ROEs, promulgated by the commander of JTF-SWA in accordance with the agreements between the coalition members, allowed force in self-defence. Due to the nature of Iraqi air-defence weapons, the target needs to be "illuminated" by radar prior to launching the missile.⁷³ This led to the "illumination" of targets being perceived as a threat and, therefore, sufficient justification to attack air-defence radars and weapons systems. Larger uses of force, such as deliberate air strikes, came to require more elaborate justifications. However, coalition forces were already present over the skies of Iraq due to a de facto authorization and their ROEs permitted them to use force prior to the development of crises if threatened by Iraqi forces.

One last point needs to be considered in light of the SNFZ. UNIKOM also employed helicopters to supplement their surveillance of the DMZ by ground patrols and observation posts as well as other utility tasks such as liaison and casualty evacuation, but these were suspended on the Iraqi side of the border from December 1998.⁷⁴ Given that UNIKOM's observers reported that there were violations of the airspace, the lack of any evidence of problems in airspace coordination suggests that some form of airspace control was exercised by the forces conducting Operation Southern Watch (that is, no low-level transits of the DMZ by coalition aircraft) or between those forces and UNIKOM.

Progress Made in Terms of Security Council Resolution 687?

It was not clear in late 1992 whether the SNFZ represented progress or evidence of a lack thereof. On the one hand, UNIKOM had a significant degree of activity to

72 "Statement issued by the Members", in Weller, *Iraq and Kuwait*, 725. Illumination of coalition aircraft was treated as a hostile act.

73 This included the SA-2, SA-3, and Roland systems. The remainder of Iraqi air defence weapons are passive infrared guided. For technical details see Cullen T. and Foss, C. *Jane's Land-Based Air Defence 1996-1997* (Coulsdon: Jane's, 1996), 8-10, 98, 100, 102, 113, 115, 140, 247 and 250.

74 United Nations Security Council, *Report of the Secretary-General on the United Nations Iraq-Kuwait Observer Mission*, 30 March 1999 (S/1999/330).

track within the DMZ. On the other, UNIKBDC's work bore fruit, though it is not possible to draw a causal link to the SNFZ's coming into existence.

The influx of coalition aircraft over the DMZ associated with the enforcement of the SNFZ meant that UNIKOM's military observers had much more to report. Indeed, even the nature of the reporting changed to reflect which violations were Iraqi, Kuwaiti, "Allies" (read "coalition"), and unidentified.

The effect of the SNFZ imposition is discernible from September 1992. The number of allied and unidentified air violations began to increase in that period. UNIKOM made its concerns known to the relevant parties in all cases of violations. The UN Secretary-General noted that since the SNFZ came into existence, UNIKOM noted an increase in the number of flights over the DMZ; however, these tended to be too high to allow identification. He also asked those governments that declared the SNFZ to avoid the DMZ.⁷⁵ The problem, from the coalition's perspective, is that this reduced the flexibility of ingress/egress routes for its aircraft to the Saudi–Iraqi border. While this border was far larger, it would increase the degree of logistical effort required to maintain the same effect in the SNFZ.

The effect of the SNFZ on UNIKOM's reporting became more apparent as time progressed. In the fall of 1992 and early 1993 the number of violations increased, although the rate decreased over time. Some of the unidentified violations can be explained, however, as due to increased flight activity over the SNFZ in reaction to heightened tensions between the coalition and Iraq. These came to a head in January 1993.

Realization: Security Needed

In the fall of 1992, despite the Iraqi government's misgivings and complaints, UNIKBDC was able to complete its study of the 1963 border between Iraq and Kuwait. The study was submitted shortly thereafter to the Security Council for approval. The Security Council's members wished to bring this issue to a close quickly and approved UNIKBDC's finding in late 1992.⁷⁶ This, however, brought up an old point of friction. Iraq still maintained some police forts in the DMZ and the Security Council ordered their removal no later than 15 January 1993.⁷⁷

⁷⁵ Ibid.

⁷⁶ United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, "Security Council resolution concerning the work of the Iraq–Kuwait Boundary Demarcation Commission", S/RES/773 (1992), 26 August 1992, 473. "Statement by the President of the Security Council concerning general and specific obligations of Iraq under various Security Council resolutions relating to the situation between Iraq and Kuwait", S/24836, 23 November 1992, 486–90.

⁷⁷ United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, "Letter dated 8 January 1993 from the President of the Security Council addressed to the Secretary-General", Annex I to "Special report by the Secretary-General on UNIKOM,

This combination of the UN's requests and the Iraqi government's intransigence contributed to increased tensions between Iraq and the coalition over the skies of the DMZ and southern Iraq.

The crisis of January 1993 developed as a result of the of Iraqi government's testing of the international community's will to uphold SCR 687 and its supporting resolutions. It denied overflight rights to aircraft supporting the disarmament effort; stepped up its resistance in the NFZs; and tolerated, if not abetted, "riots" that crossed from the Iraqi to the Kuwaiti side of the DMZ and forcefully retrieved materiel and munitions that previously belonged to Iraq. This, in turn, led to increased activity in the SNFZ and missile strikes against targets in Baghdad on 17–18 January 1993. It was only after this point that the Iraqi government pledged to cooperate.

This crisis had two effects. One, the United Nations realized that it needed to take greater measures for its own security. As a result of the "riot" in January 1993, the Council passed SCR 806, which decreed that UNIKOM was to be augmented by three battalions of mechanized infantry.⁷⁸ No nation was willing to deploy these forces to UNIKOM, as the international community became overburdened with a series of peacekeeping missions in 1992–1993.⁷⁹ In October 1993, only the Bangladesh government came forward to offer a single, unequipped, infantry battalion, which the Kuwaiti government promptly equipped.⁸⁰ The reinforcement of UNIKOM became nothing more than a symbolic and slightly partial gesture. The battalion's companies were dispersed so that each of the three sectors could rely on security forces.

Two, the Iraqi government, having drawn attention to the matter, argued that UNIKOM was far from impartial. In April 1993, it complained about the disparity in violations, since from 1 April 1992 to 31 March 1993 there were only 29 Iraqi violations as opposed to 313 Kuwaiti and/or allied violations.⁸¹ The number of complaints began to drop, however, in 1994. There are a number of potential explanations. First, the evidence available is thin; while UNIKOM's records are clear from 1991 to 1996 and from 2001 to 2003; there is less information available

S/25085, 10 January 1993, 514; *Ibid.*, "Statement by the President of the Security Council concerning general and specific obligations of Iraq under various Security Council resolutions relating to the situation between Iraq and Kuwait", S/24386, 23 November 1992, 487.

78 *Ibid.*, "Security Council resolution concerning UNIKOM", S/RES/806 (5 February 1993), 525–6.

79 International public opinion shifted to focus on the famine in Somalia and the impending war within the Yugoslav federation. The major commitments were the United Nations Somalia Operation (UNOSOM I), its successor the United Shield Task Force (UNITAF) and the United Nations Protection Force (UNPROFOR) in the former Yugoslavia.

80 "Letter dated 15 October 1993 from the Secretary-General to the President of the Security Council concerning the composition of UNIKOM", S/26621 (24 October 1993), UN, 596.

81 United Nations Security Council, Letter dated 26 April 1993 from the Representative of Iraq to the Secretary-General, 27 April 1993 (S/25677).

about the intervening period. Second, UNIKBDC's work was complete by 1993 and the Kuwaiti government took additional measures to address the matter of the border by constructing a series of obstacles colloquially known as the "Kuwait–Iraq border fence". This meant that UNIKOM's importance began to wane. Third, the period from February 1993 to October 1994 was one of relative calm that saw genuine progress on all of the programs mandated by SCR 687. Fourth, the reports to UN Headquarters in New York from UNIKOM were extremely brief and lacked detail.⁸² Last, the nature of subsequent provocations (the June 1993 assassination attempt on George H.W. Bush, Iraq's feint or rehearsal for an invasion of Kuwait in October 1994, the September 1996 Kurdish crisis and the December 1998 inspections crisis) meant that the coalition took steps to address the "Iraq–Kuwait dispute" as it saw fit.⁸³

While UNIKOM would continue to report diligently, it was becoming increasingly irrelevant and working from the relative safety afforded by coalition aircraft and, on occasion, American brigades deployed to the Kuwaiti desert. Yet the number of crises eroded the international community's will to enforce earlier resolutions and by the end of the decade, the situation was not necessarily the "Iraq–Kuwait dispute" but the "United States–Iraq dispute". Tensions continued to mount.

End of Consensus

The period from 1998 to early 2003 is best described as the heading above suggests. Prior to Operation Desert Fox in December 1998, it appeared that Iraq could be disarmed with some "encouragement". After that operation and an increase in Iraqi resistance, the United Nations opted for less intrusive and more engaging approaches towards the Iraqi government.

82 United Nations, *The United Nations and the Iraq–Kuwait Conflict, 1990–1996*, "Report of the Secretary-General on the UNIKOM for the period of 1 April–29 September 1994", S/1994/1111 (29 September 1994)", 664; Ibid., "Report of the Secretary-General on the UNIKOM for the period of 7 October 1994–31 March 1995, S/1995/251 (31 March 1995)", 726; Ibid., "Report of the Secretary-General on the UNIKOM for the period of 1 April–30 September 1995, S/1995/836 (2 October 1995)", 765. These refer to "limited numbers of violations involving mostly over flights". See also United Nations Security Council, *Report of the Secretary-General on the United Nations Iraq–Kuwait Observation Mission*, 24 September 1998 (S/1998/889); United Nations Security Council, *Report of the Secretary-General on the United Nations Iraq–Kuwait Observation Mission*, 30 March 1999 (S/1999/330).

83 For example, United Nations Security Council, *Report of the Secretary-General on the United Nations Iraq–Kuwait Observation Mission (1 April 1996–23 September 1996)*, 27 September 1996 (S/1995/801), 1. In the case of September 1996, UNIKOM reported seeing eight cruise missiles cross the DMZ.

As the completion of the removal of its WMD capability progressed, the Iraqi government became increasingly intransigent. The UN inspection teams found themselves increasingly unsuccessful and access to facilities hindered or denied in late 1997 and early 1998. This led the international community to gear up for a series of strikes dubbed Operation Desert Thunder that February, but a negotiated settlement prevented the operation from occurring. The preparations, however, led to UNIKOM reporting an increase in the number of air violations of the DMZ by coalition forces.

The deal struck in the early spring of 1998 held over the summer, but by November the Coalition was prepared to strike Iraq again. At issue were Iraq's lack of disclosure of WMD-related information and attempts at hindrance of inspections. The matter came to a head in December 1998, and the coalition struck before the Security Council could discuss the matter. The French government withdrew its forces from the NFZs and the Anglo-American coalition remained over the skies of Iraq, now contested by Iraq's ground-based air-defence forces. With DESERT FOX came a marked increase in Iraq's diplomatic and military resistance. While Iraq's air defenders attempted to hassle coalition aircraft, its foreign ministry delivered protest letters to the United Nations about Kuwait, the coalition, and UNIKOM's reporting of incidents.

The Iraqi government began a campaign of monthly letters to the Secretary-General in 1991, complaining about Kuwaiti collusion with the coalition's efforts and/or the number of coalition air violations of the DMZ. The letters that could be found at the time of writing dated from fall 2000 and appear on a monthly basis (if not more frequently) thereafter. The aforementioned letters were similar in tone and nature, although the details varied from letter to letter. In the letter transmitted in December 2000, the Iraqi foreign minister wrote to argue that UNIKOM was complicit in permitting the coalition to operate with impunity:

On this occasion I wish to draw your attention once more to the fact that United States and British military aircraft continue to violate Iraqi airspace on a daily basis and to carry out acts of military aggression against Iraq, taking off from their bases in Saudi Arabia and Kuwait and from aircraft carriers belonging to their two States in the Arabian Gulf. A not inconsiderable number of those hostile military aircraft overfly the demilitarized zone in the course of the flights into Iraq which they make on a daily basis for the purpose of perpetrating acts of aggression against that country. They overfly the zone again when returning after carrying out those acts to their bases in Saudi Arabia and Kuwait. This constitutes a blatant violation of the relevant Security Council resolutions. The Mission is responsible for closely observing such violations and, in view of their seriousness, submitting immediate reports thereupon. However, close examination of the reports submitted by UNIKOM make it clear that their contents do not comply with the specifications of its mandate, namely, to observe any hostile action and determine the identity and nationality of the aircraft that overfly the demilitarized zone with a view to

mounting hostile actions against Iraq ... The pretext persistently put forward by the United Nations Observer Mission in the demilitarized zone in order to justify its inability to establish the nationality of the aircraft that violate the aforementioned zone is that those aircraft fly at extremely high altitudes, making it impossible to identify them or include that information in the Mission's periodic reports.⁸⁴

In short, he presented the argument that the SNFZ is a violation of Security Council Resolutions and UNIKOM has the capacity to bring this to light. The Iraqi government, tracking aircraft on with their air-defence assets, drew different conclusions than UNIKOM's observers. With the monthly letters, they continued to argue their point of view. This did not exactly receive a warm reception in the United Nations. In one letter from the Secretary-General, the frustration was palpable:

[I]t is for the Security Council to interpret its own resolutions. Consequently, only the Council itself is competent to determine whether or not its resolutions are of such a nature and effect as to provide a lawful basis for the "No-Fly Zones" and for the actions that have been taken for their enforcement. Therefore, it is for the Council to address the lawfulness or otherwise of the actions to which you refer in your letter.

...

From 1999 to date, UNIKOM has recorded over 200 aerial violations of the demilitarized zone. In the majority of cases, however, it has not been possible for UNIKOM to identify the aircraft involved or to determine their nationality.

I should emphasize that the inability of UNIKOM to identify the States that are responsible for conducting such flights is in no way to be understood to constitute condemnation of them.

I would note in this regard that, in view of the fact that the United States and the United Kingdom have been conducting military air operations in the region, the United Nations has intervened with representatives of those States urging them to respect the demilitarized zone established by Security Council resolution 687 (1991) of 3 April 1991.⁸⁵

84 United Nations Security Council, *Letter dated 25 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General*, 21 February 2001 (S/2000/1242).

85 United Nations Security Council, *Letter dated 21 February 2001 from the Secretary-General to the President of the Security Council*, 21 February 2001 (S/2001/160).

UNIKOM reported the violations as it understood them throughout the period it was active. See Table 10.1 for a summary. While the Iraqi government complained, it received little sympathy for its arguments against the SNFZ and about the

Table 10.1 Violations reported by the UN Iraq–Kuwait Observer Mission, 1999–2003

Period	Number of violations	Remarks
24 September 1999–30 March 2001 (S/2000/269)	77 violations total: 8 ground 20 weapons 1 maritime 48 air	One F-15 sighted over southern sector HQ. Iraqi SLO complained of incursion by air near Umm Qasr.
31 March–21 September 2000 (S/2000/914)	42 violations total: 15 ground 10 weapons 11 maritime 6 air	F-16 sighted over southern sector HQ. UH-60 helicopter sighted over DMZ. Gazelle helicopter sighted over DMZ.
22 September 2000–27 March 2001 (S/2001/287)	267 violations total: 101 ground 12 weapons 11 maritime 143 air	Gazelle helicopter identified three times, British Lynx identified once, F-18 twice and a pair of F-14s once.
28 March–24 September 2001 (S/2001/913)	255 violations total: 10 ground 8 weapons 74 maritime 163 air	
25 September 2001–20 March 2002 (S/2002/323)	437 violations total: 6 ground 1 weapons 9 maritime 421 air	
21 March–15 September 2002 (S/2002/1039)	278 violations total: 20 ground 4 weapons 21 maritime 233 air	
16 September 2002–21 March 2003 (S/2003/393)	714 violations total: 24 ground 14 weapons 16 maritime 660 air	18 involved helicopters and three involved unmanned aircraft.

Source: UN Security Council documents as listed.

partiality of UNIKOM. For most allied overflights, the altitude was reported as “too great for identification”.

In 2002 and 2003, two trends coalesced to suggest that UNIKOM’s tenure would soon end. First, the coalition’s remaining members sought to address Iraq’s lack of full compliance with the terms of SCR 687 once and for all. While engaging in the diplomatic preparations, coalition force levels in the region began to increase in order to use force if necessary. The increased coalition force presence led to a greater level of activity and the concomitant increase in the number of coalition violations of the DMZ’s airspace. Events in the last six months led to the second point: three of the air violations in the last six months were not by manned aircraft.⁸⁶ The coalition’s increase in the use of unmanned aerial vehicles (UAVs), likely intended to engage in reconnaissance over southern Iraq meant that both UNIKOM helicopters and UAVs used the same airspace over time. This suggests that there was either a degree of corroboration between UNIKOM and the coalition or that the latter acted unilaterally. Either way, UNIKOM’s observers reported the violations.

“Lessons”

In hindsight, it is possible to suggest that there are potential “lessons” for others to learn about the relationships between forces operating directly on behalf of the United Nations and those operating indirectly for similar but distinct aims. The first is the potential effect the unusual symbiosis created by overlapping mandates. UNIKOM was a product of SCR 687 (1991) and the SNFZ was “consistent with” SCR 688 (1992) according to the coalition that launched it. Both missions were intended to provide security in the area, although as they came into existence for different reasons at different times, their ends, ways, and means differed significantly. UNIKOM was there to create security through its observation and reporting of incidents; this would produce transparency and stabilize the situation sufficiently to fix the border in accordance with the 1963 agreement. Operation Southern Watch, borne of the need to prevent a more widespread humanitarian crisis, was to prevent the Iraqi government from using its southern airspace as a vector for attacks on elements of its population. This, in turn, afforded the coalition the ability to monitor the situation in southern Iraq, which also meant it was present in the region and could react to crises rapidly. The presence, however, meant that coalition aircraft had to operate in and around southern Iraq; this made air violations likely if not inevitable. Based on the principle of impartiality, UNIKOM’s observers dutifully recorded what they believed were violations. After 1993, however, they came to benefit from the presence of the aircraft over

⁸⁶ United Nations Security Council, *Report of the Secretary-General on the UN Iraq–Kuwait Observation Mission (for the period from 16 September 2002 to 21 March 2003)*, 31 March 2003, S/2003/393.

southern Iraq, although the coalition's air assets never acted directly in support of UNIKOM. There was a distinct relationship between the number of coalition air violations and any deterioration in the Iraq–Kuwait situation. As UNIKOM observers came to need greater security, they received it as coalition aircraft flew overhead, but they had to report it. While dependent on the implied and actual threat of air strikes for their security, UNIKOM observers were compelled by the mandate to continue reporting in an impartial manner regardless of the cost.